

Notice of Allowability

Application No.

09/935,756

Applicant(s)

LAMKIN ET AL.

Examiner

Art Unit

Raymond J. Bayerl

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 25 October 2005; telephone interview, 2 December 2005.
2. ☒ The allowed claim(s) is/are 1 - 10, 61 - 68, all other claims canceled.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6 sheets
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

26 June 2006
6 December 2005

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Freeland, Reg. No. 42,555, on 2 December 2005.

3. The application has been amended as follows:

In the Specification:

Page 1, line 23—" , now abandoned" has been inserted after "2000";

Page 1, line 27—" , now abandoned" has been inserted after "2000";

Page 2, line 4—" , now US Patent No. 6,453,420" has been inserted after "1999";

Page 2, line 6—"09/09/295688" has been replaced by "09/295688";

Page 2, line 10—" , now US Patent No. 6,665,489" has been inserted after "1999";

Page 2, line 13—" , now US Patent No. 6,405,203" has been inserted after "1999";

Page 2, line 16—" , now abandoned" has been inserted after "1999";

Page 2, line 19—" , now US Patent No. 6,944,621" has been inserted after "2000";

Page 2, line 28—" , now abandoned" has been inserted after "2000";

Page 2, line 31—" , now US Patent No. 6,769,130" has been inserted after "2000";

Page 3, line 1—" , now US Patent No. 6,941,383" has been inserted after "2000";

Page 3, line 19—" , now US Patent No. 6,529,949" has been inserted after "2000";

Page 3, line 25—" , now abandoned" has been inserted after "2001".

The above amendments to the specification update the status of the US Patent applications listed as forming part of the overall continuity chain under 35 USC 120.

Also, a typographical error has been corrected.

In the Claims:

Claim 3 (currently amended): A media services interface for use in controlling the extraction of information from a readable medium by a computing device comprising:

a command handler configured to execute received commands extracted from network-originated content to control playback of removable readable medium and to implement commands to determine whether the removable media is an enhanced media at least instructing initial access to defined network content and whether to access default enhanced content from the readable medium when a network connection is unavailable;

a properties handler configured to report the state of a system attribute in response to a query; an event generator configured to provide notification of one or more system events; a cookie manager configured to generate at least one system cookie for preserving information for later recall;

a navigator state module operably coupled to said command handler, said properties handler, said event generator, and said cookie manager, said navigator state module configured to maintain information regarding the state of said information extraction from said readable medium;

a bookmark manager configured to generate one or more bookmarks, each said bookmark preserving playback information regarding a position in an information stream

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extracted from said readable medium, said bookmark enabling later return to said position in said information stream.

The above amendment to claim 3 removes difficulties that the claim had originally faced regarding the prior art now made of record, as noted in the discussion below.

4. The following is an examiner's statement of reasons for allowance:.

The Examiner has carefully considered applicant's 3 independent claims, related to the access of a "removable media" (claim 1) or "removable readable medium" (claims 2, 3). These claims are deemed to be patentable over the prior art now made of record.

The limitations added by way of the 25 October 2005 amendment to claims 1, 2 include a "determination whether the removable media is an enhanced media". Access may be to "defined network content" or it may be to "default network content" (claim 1) / "default enhanced content" (claim 2), on the basis of whether "the removable media is enhanced media" (claim 1) or "a network connection" is available (claim 2). Such sets of limitations are deemed to define patentably over the prior art now made of record; applicant's 25 October 2005 remarks are persuasive.

The best examples in the art of record that is relevant to such claims are simply of "removable media" as in Mobini et al. (US #6,564,255 B1), Wolzien (US #6,233,736 B1). These access "network information" in general in conjunction with "removable media", but not with the stipulations as to "enhanced media" being the basis for choosing "defined network content" or "default content". While "commands extracted from network-originated content" will "control playback" of the "removable media" in

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Roberts et al. (US #5,987,525), Roberts et al. also does not provide conditional access on the basis of “enhanced media”.

Upon initial review of amended claim 3, in which the “enhanced media” limitations were omitted, the Examiner did not find persuasive the 25 October 2005 argument that a “bookmark manager”, which permits “later return to said position in said information stream”, defined over the art that is now of record. The Examiner cites as an example the MULTIMEDIA PROGRAM BOOKMARKING SYSTEM of Brown et al. (US #6,868,225 B1). However, with the indicated approval in the 2 December 2005 interview of the above Examiner’s amendment to include the patentable distinctions of claim 2, claim 3 now sufficiently defines over the art of record. Brown et al. also fails to teach or suggest the details regarding “enhanced media” that are noted with respect to claims 1, 2—it is merely a media program *per se* that is indexed in Brown et al.

[The US published application to Goldschmidt Iki et al. (US #2001/0005903 A1) that is cited on the attached form PTO-892 is merely placed there to replace an erroneous citation that appeared in applicant’s 11 November 2005 IDS and that is shown as lined-through on the form 1449—US #6,803,950, an unrelated reference to Miyamoto et al.]


5 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

6 December 2005
26 June 2006